

**DECLARATION AND POWER OF ATTORNEY  
IN COPENDING APPLICATION  
CONTAINING ADDITIONAL SUBJECT MATTER**

I, Armand Cote, declare that I am a citizen of the United States of America; that I verily believe that I am the original, first and sole inventor or a joint venture (if plural inventors are named below) of the improvement in Low Impact Breakaway Utility Pole described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the specification including the claims; that this application in part discloses and claims subject matter disclosed in my earlier filed application, 60/056,431, filed on August 25, 1997, that I acknowledge my duty to disclose information of which I am aware which is known to be material to patentability in accordance with 37 CFR 1.56, and to disclose such material of which I am aware which occurred between the filing date of the earlier application and the filing date of this continuation application: that, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe the same was ever known or used in the United States of America before my invention thereof, or more than one year to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that no application for patent or inventor's certificate on said invention has been filed by me or my representatives or assigns in any country foreign to the United States of America; that, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to the date of

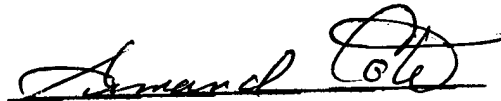
this application; and that no application for patent or inventor's certificate on said invention has been filed by me or my representatives or assigns in any country foreign to the United States of America.

As the named inventor, I hereby appoint Brian M. Dingman, Reg. No. 32,729, and Kevin S. Lemack, Reg. No. 32,579, as the attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please send all correspondence and direct all telephone calls to:

Nields, Lemack & Dingman  
176 East Main Street, Suite 8  
Westborough, MA 01581  
(508) 898-1818

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8-25-98  
Date

  
Armand Cote

Address: 28 Mayflower Circle, Leicester, Massachusetts 01524

09140049-082698

Applicant or Patentee: **Armand Cote**  
 Serial or Patent No:  
 Filed or Issued:  
 For: **Breakaway Utility Pole**

Attorney's  
 Docket No: **COTE/971/US**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
 STATUS (37 CFR 1.9(f) AND 1.27(c)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Low Impact Breakaway Utility Pole described in

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern or organization  
☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Armand Cote  
 Name of Inventor

  
 Signature of Inventor

8-25-98  
 Date

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